

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Fernand LABRIE

Serial No: 10/052,803

Filed: November 7, 2001



Date: August 8, 2005

Confirmation No.: 3989

Group Art Unit: 1617

Examiner: Shaojia A. Jiang

For: SELECTIVE ESTROGEN RECEPTOR MODULATORS IN COMBINATION WITH ESTROGENS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING
REJECTION (37 CFR §1.321(b))**

Sir:

08/12/2005 HTECKLU1 00000003 150700 10052803
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Interest of Person Making This Disclaimer

I, William O. Gray, III of Ostrolenk, Faber, Gerb & Soffen, LLP, with offices at Ostrolenk, Faber, Gerb & Soffen, 1180 Avenue of the Americas, New York, New York 10036-8403, represent that I am a representative authorized to sign on behalf of the assignee identified below owning all of the interest in this application.

Please charge our Deposit Account No. 15-0700 the required fee of \$130.00 for this disclaimer.

Identity and Title of Disclaimant

The assignee is:

Name of assignee : Endorecherche, Inc.
Address of assignee: 2989 de la Promenade
Ste-foy (Québec)
G1W 2J5 Canada

Title of disclaimant authorized to sign on behalf of assignee: ATTORNEY OF RECORD

Recordal of Assignment in PTO

The assignment was recorded on May 14, 2001, at Reel 011799, Frame 0637. Said document has been reviewed and, to the best of the assignee's knowledge and belief, title is in the assignee.

Disclaimer

Endorecherche, Inc. hereby disclaims the terminal part of any patent granted on the above-identified present application which would expire beyond the expiration date of the full statutory term of United States Patent Number 6,710,059; and

agrees that any patent so granted on the above-identified present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent Number 6,710,059, this agreement to run with any patent granted on the above-identified present application and to be binding upon the grantee, its successors or assigns; and


does not disclaim any terminal part of any patent granted on said above-identified present application that would extend to the full statutory term of United States Patent Number 6,710,059 in the event that said issued patent later expires for failure to pay maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made,

are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: August 8, 2005

ENDORECHERCHE, INC.

By: 
William O Gray, III
Title: Attorney of Record
Registration Number 30,944